

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 11-00034-02-CR-W-HFS
)	
KIAIRA C. MINOR,)	
)	
Defendant.)	

ORDER

Pending before the Court are defendant's Motion for Psychiatric Examination (doc #27) and the Government's Motion for Court Order for a Psychiatric Examination of the Defendant (doc #31). On August 4, 2011, Magistrate Judge Sarah W. Hays held a hearing regarding defendant's competency. The parties stipulated to the reports prepared by Dr. Tammy Sheehan dated May 3, 2011 (doc #29) and Dr. John Wisner dated July 27, 2011 (doc #35). Dr. Sheehan concluded that the defendant suffers from a mental disease or defect in the form of Mild Mental Retardation and that her prognosis for restoration of competency is guarded. Dr. Wisner, like Dr. Sheehan, concluded that defendant Minor was not competent.

Magistrate Judge Hays issued a report and recommendation (doc #39), filed August 8, 2011, recommending that the Court enter an order finding that defendant Kiaira Minor is incompetent in that she is presently suffering from a mental disease or defect rendering her unable to understand the nature and consequences of the proceedings against her or to properly assist in her defense. Judge Hays further recommended that defendant be committed to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1) for hospitalization for treatment in a suitable facility for

such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future defendant Minor will attain the capacity to permit the trial to proceed. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant Minor is incompetent to understand the nature and consequences of the proceedings against her and to properly assist in her own defense, and that she is incompetent to stand trial.

The Court further finds that defendant Minor shall be committed to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1) for hospitalization for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future defendant Minor will attain the capacity to permit the trial to proceed. However, defendant Minor shall be allowed to remain on bond until such time as the United States Marshal is ready to transport her to a facility designated by the Bureau of Prisons pursuant to 18 U.S.C. § 4241(d)(1).

IT IS SO ORDERED.

/s/ Howard F. Sachs

HOWARD F. SACHS

UNITED STATES DISTRICT JUDGE

September 1, 2011

Kansas City, MO